

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

SIGHT SCIENCES, INC.,)
Plaintiff,)
v.) C.A. No. 21-1317-GBW-SRF
IVANTIS, INC., ALCON RESEARCH)
LLC, ALCON VISION, LLC, and ALCON)
INC.,)
Defendants.)

**ORDER GRANTING DEFENDANTS' MOTIONS FOR SUMMARY JUDGMENT
OF INVALIDITY OF CERTAIN ASSERTED CLAIMS**

On this _____ day of _____, 20____, the Court having considered Defendants Ivantis, Inc., Alcon Research LLC, Alcon Vision, LLC and Alcon Inc.'s ("Defendants") Motions for Summary Judgment of Invalidity for lack of enablement, lack of written description, indefiniteness, and obviousness-type double patenting,

IT IS ORDERED that Defendants' motions are GRANTED. Specifically, the Court holds that:

- The following Asserted Claims are invalid for lack of enablement: claims 1, 5, 7-8, 10-11, 15, 18, 21, 23, 32, 36, 38-39, 41-42, 46, 49, 52, 54, 63, 68-70, 73, 77, and 79-80 of U.S. Patent No. 8,287,482; claims 1, 8, 11-12, 21, 23-24, 27, 42-43, 46, 52, 54-59, and 70-71 of U.S. Patent No. 9,370,443; claims 6-8 of U.S. Patent No. 9,486,361; claims 17-18 of U.S. Patent No. 10,314,742; and claims 7-8 of U.S. Patent No. 11,389,328.
- The following Asserted Claims are invalid for lack of written description: claims 1, 5, 7-8, 10-11, 15, 18, 21, 23, 32, 36, 38-39, 41-42, 46, 49, 52, 54, 63, 68-70, 73, 77, and 79-80 of U.S.

Patent No. 8,287,482; claims 1, 8, 11-12, 21, 23-24, 27, 42-43, 46, 52, 54-59, and 70-71 of U.S. Patent No. 9,370,443; claims 6-8 of U.S. Patent No. 9,486,361; claims 17-18 of U.S. Patent No. 10,314,742; and claims 7-8 of U.S. Patent No. 11,389,328.

- The following Asserted Claims are invalid for indefiniteness: claims 1, 5, 7-8, 10-11, 15, 18, 21, 23, 32, 36, 38-39, 41- 42, 46, 49, 52, 54, 63, 68-70, 73, 77, and 79-80 of U.S. Patent No. 8,287,482; claims 1, 8, 11-12, 21, 23-24, 27, 42-43, 46, 52, 54-59, and 70-71 of U.S. Patent No. 9,370,443; claims 6-8 of U.S. Patent No. 9,486,361; claims 17-18 of U.S. Patent No. 10,314,742; and claims 7-8 of U.S. Patent No. 11,389,328.
- The following Asserted Claims are invalid for obviousness-type double patenting: claims 1-3 and 5-9 of U.S. Patent No. 9,486,361 and claims 1, 8, 11-12, 21, 23-24, 27, 42-43, 46, 52, 54-59, and 70-71 of U.S. Patent No. 9,370,443.

United States District Judge